

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**FELIPA JONES, aka
FELIPA HURTADO**

Registered Nurse License No. 268333
Nurse Practitioner Certificate No. 1836
Nurse Practitioner Furnishing Certificate
No. 1836
Nurse Midwife Certificate No. 1321
Public Nurse Health Certificate No. 30448

Respondent.

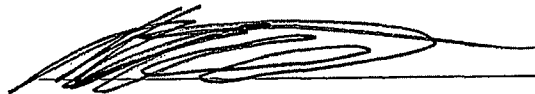
Case No. 2012-279
OAH No. 2011120229

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemel
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-279

13 **FELIPA JONES**
14 **AKA FELIPA HURTADO**
15 **4840 Glencannon Street**
16 **Santa Rosa, CA 95405**
17 **Registered Nurse License No. 268333**
18 **Nurse Practitioner Certificate No. 1836**
19 **Nurse Practitioner Furnishing Certificate**
20 **No. 1836**
21 **Nurse Midwife Certificate No. 1321**
22 **Public Health Nurse Certificate No. 30448**

OAH No. 2011120229

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respondent.

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
24 proceeding that the following matters are true:

25 PARTIES

26 1. Louise R. Bailey, M.Ed., RN ("Complainant"), brought this action solely in her
27 capacity as Executive Officer of the Board of Registered Nursing ("Board"), Department of
28 Consumer Affairs. This action is maintained pursuant to a Delegation of Authority from the
Board and its Executive Officer to the Department of Consumer Affairs, effective December 31,
2011. The Board or its successor is represented in this matter by Kamala D. Harris, Attorney
General of the State of California, by Judith J. Loach, Deputy Attorney General.

2. Felipa Jones, Aka Felipa Hurtado ("Respondent") is represented in this proceeding by attorney Mark Cohen, whose address is U.S. Bank Building, 39510 Paseo Padre Parkway, Suite 190, Fremont, CA 94538-4716.

3. On or about August 31, 1976, the Board of Registered Nursing issued Registered Nurse License No. 268333 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-279 and will expire on November 30, 2013, unless renewed.

4. On or about October 30, 1985, the Board of Registered Nursing issued Nurse Practitioner Certificate No. 1836 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-279 and will expire on November 30, 2013, unless renewed.

5. On or about April 3, 1998, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate No. 1836 to Respondent. The Nurse Practitioner Furnisher Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-279 and will expired on November 30, 2011, and has not been renewed.

6. On or about April 27, 1998, the Board of Registered Nursing issued Nurse Midwife Certificate No. 1321 to Respondent. The Nurse Midwife Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

7. On or about August 13, 1980, the Board of Registered Nursing issued Public Health Nurse Certificate No. 30448 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

JURISDICTION

8. Accusation No. 2012-279 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2011. Respondent timely filed her Notice of Defense contesting

1 the Accusation. A copy of Accusation No. 2012-279 is attached as Exhibit A and incorporated by
2 reference.

3 ADVISEMENT AND WAIVERS

4 9. Pursuant to Business and Professions Code section 102.3, the Board delegated its
5 duties to the Department of Consumer Affairs by way of an interagency agreement, effective
6 December 31, 2011, until legislation re-establishing the Board takes effect. A copy of the
7 interagency agreement is attached as Exhibit B and incorporated by reference. Hereinafter, all
8 references to the Board shall include the Board or its successor.

9 10. Respondent acknowledges and agrees that the Board or its successor has continuing
10 jurisdiction to discipline her license.

11 11. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 2012-279. Respondent also has carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
14 Order.

15 12. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 13. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 14. Should this stipulated surrender be presented at a hearing before an Administrative
25 Law Judge for preparation of a proposed decision, Respondent voluntarily, knowingly, and
26 intelligently waives stenographic reporting of the proceeding and hereby consents to electronic
27 reporting of the proceeding (Gov. Code, § 11512 (d)).

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CULPABILITY

15. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-279, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 268333 for the Board's formal acceptance.

16. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-279, agrees that cause exists for discipline and hereby surrenders her Nurse Practitioner Certificate No. 1836 for the Board's formal acceptance.

17. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-279, agrees that cause exists for discipline and hereby surrenders her Nurse Practitioner Furnishing Certificate No. 1836 for the Board's formal acceptance.

18. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-279, agrees that cause exists for discipline and hereby surrenders her Nurse Midwife Certificate No. 1321 for the Board's formal acceptance.

19. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-279, agrees that cause exists for discipline and hereby surrenders her Public Health Nurse Certificate No. 30448 for the Board's formal acceptance.

CONTINGENCY

20. This stipulation shall be subject to approval by the Board pursuant to the Board's delegation of authority as set forth in the attached interagency agreement. Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel.

By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation before the Board act on it or it becomes effective by operation of law pursuant to the Administrative Procedure Act (Gov. Code, § 11340 et seq.). If the Stipulated Surrender and Disciplinary Order is rejected by the Board as the final resolution of the pending accusation, it shall be of no force or effect, except for this paragraph it

1 shall be inadmissible in any legal action between the parties, and the Board shall not be
2 disqualified from further action by having considered this matter.

3 21. The parties understand and agree that facsimile copies of this Stipulated Surrender of
4 License and Order, including facsimile signatures thereto, shall have the same force and effect as
5 the originals.

6 22. This Stipulated Surrender of License and Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
10 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
11 executed by an authorized representative of each of the parties.

12 23. In consideration of the foregoing admissions and stipulations, the parties agree to the
13 following Order:

14 **ORDER**

15 IT IS HEREBY ORDERED that Registered Nurse License No. 268333, Nurse Practitioner
16 Certificate No. 1836, Nurse Practitioner Furnishing Certificate No. 1836, Nurse Midwife
17 Certificate No. 1321 and Public Health Nurse Certificate No. 30448, issued to Respondent Felipa
18 Jones, Aka Felipa Hurtado, are surrendered and accepted by the Board of Registered Nursing.

19 1. The surrender of Respondent's Registered Nurse License, Nurse Practitioner
20 Certificate, and Nurse Practitioner Furnishing Certificate, Nurse Midwife Certificate and Public
21 Health Nurse Certificate, and the acceptance of the surrendered licenses by the Board shall
22 constitute the imposition of discipline against Respondent. This stipulation constitutes a record of
23 the discipline and shall become a part of Respondent's license history with the Board of
24 Registered Nursing.

25 2. Respondent shall lose all rights and privileges as a Registered Nurse, Nurse
26 Practitioner, Nurse Practitioner Furnisher, Nurse Midwife, and Public Health Nurse in California
27 as of the effective date of the Board's Decision and Order.

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1 3. Respondent shall cause to be delivered to the Board her pocket license and
2 certificates, and if issued her wall certificates on or before the effective date of the Decision and
3 Order.

4 4. If Respondent ever files an application for licensure or a petition for reinstatement in
5 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
6 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
7 effect at the time the petition is filed, and all of the charges and allegations contained in
8 Accusation No. 2012-279 shall be deemed to be true, correct and admitted by Respondent when
9 the Board determines whether to grant or deny the petition.

10 5. If Respondent should ever apply or reapply for a new license or certification, or
11 petition for reinstatement of a license, by any other health care licensing agency in the State of
12 California, all of the charges and allegations contained in Accusation, No. 2012-279 shall be
13 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
14 Issues or any other proceeding seeking to deny or restrict licensure.

15 6. If and when Respondent's license is reinstated, she shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$8,897.75. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
21 years from the effective date of the Board of Registered Nursing's Decision and Order.

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28

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E-mail: Judith.Loach@doj.ca.gov
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13 **FELIPA JONES**
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4840 Glencannon Street
15 Santa Rosa, CA 95405
Registered Nurse License No. 268333
16 Nurse Practitioner Certificate No. 1836
Nurse Practitioner Furnisher No. 1836
17 Nurse Midwife Certificate No. 1321
Public Health Nurse Certificate No. 30448

ACCUSATION

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about August 31, 1976, the Board of Registered Nursing issued Registered
26 Nurse License Number 268333 to Felipa Jones, also known as Felipa Hurtado ("Respondent").
27 The Registered Nurse License was in full force and effect at all times relevant to the charges
28 brought herein and will expire on November 30, 2011, unless renewed.

3. On or about October 30, 1985, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 1836 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

4. On or about April 3, 1998, the Board of Registered Nursing issued Nurse Practitioner Furnisher Number 1836 to Respondent, which did not include a Controlled Substance II Permit. The Nurse Practitioner Furnisher was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

5. On or about April 27, 1998, the Board of Registered Nursing issued Nurse Midwife Certificate Number 1321 to Respondent. The Nurse Midwife License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

6. On or about August 13, 1980, the Board of Registered Nursing issued Public Health Nurse Certificate Number 30448 to Respondent. The Public Health Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

JURISDICTION

7. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

8. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

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10. Section 2770.11 of the Code provides, in pertinent part:

"(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

"(b) If the program manager determines that a registered nurse, who is . . . terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

STATUTORY AND REGULATORY PROVISIONS

11. Section 2761 of the Code states:

*The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(2) Unprofessional conduct, which includes, but is not limited to, the following:

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

12. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself or furnish or

1 administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4
5 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
6 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
7 or the possession of, or falsification of a record pertaining to, the substances described in
8 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
9 thereof.

10
11 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
12 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
13 section."

14 13. Code section 4022 states:

15 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
16 use in humans or animals, and includes the following:

17 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
18 prescription," "Rx only," or words of similar import.

19 (b) Any device that bears the statement: "Caution: federal law restricts this device to
20 sale by or on the order of a ———," "Rx only," or words of similar import, the blank
21 to be filled in with the designation of the practitioner licensed to use or order use of
22 the device.

23 (c) Any other drug or device that by federal or state law can be lawfully dispensed
24 only on prescription or furnished pursuant to Section 4006.

25 14. Code section 4060 states, in pertinent part:

26 No person shall possess any controlled substance, except that furnished to a person
27 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
28 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a
naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
(5) of, subdivision (a) of Section 4052 . . .

1 15. Health and Safety Code section 11173 provides:

2 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
3 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
4 deceit, misrepresentation, or subterfuge; or (b) by concealment of a material fact.

5 (b) No person shall make a false statement in any prescription, order, report, or record,
6 required by this division.

7 (c) No person shall, for the purpose of obtaining controlled substances, falsely assume
8 the title of, or represent himself to be a manufacturer, wholesaler, pharmacist, physician, dentist,
9 ... or other authorized person."

10
11 16. California Code of Regulations, title 16, section 1444, states:

12 "A conviction or act shall be considered to be substantially related to the qualifications,
13 functions or duties of a registered nurse if to a substantial degree it evidences the present or
14 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
15 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

16
17 "(c) Theft, dishonesty, fraud, or deceit.

18
19 17. Section 490 of the Code provides, in pertinent part, that a board may suspend or
20 revoke a license on the ground that the licensee has been convicted of a crime substantially
21 related to the qualifications, functions, or duties of the business or profession for which the
22 license was issued.

23 COST RECOVERY

24 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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1 CONTROLLED SUBSTANCES AT ISSUE

2 19. Fentanyl Transdermal Patch ("Duragesic") is an opioid classified as a Schedule II
3 controlled substance by Health and Safety Code section 11055, subdivision (c)(3), and a
4 dangerous drug pursuant to Business and Professions Code section 4022. It is prescribed for the
5 management of moderate to severe chronic pain.

6 20. Hydromorphone ("Dilaudid") is a narcotic used to treat moderate to moderately
7 severe pain. It is classified as a Schedule II controlled substance by Health and Safety Code
8 section 11055, subdivision (1)(K), and a dangerous drug pursuant to Business and Professions
9 Code section 4022.

10 21. Diazepam ("Valium") is classified as a Schedule IV controlled substance by Health
11 and Safety Code section 11057, subdivision (d)(9), and a dangerous drug pursuant to Business
12 and Professions Code section 4022. It is prescribed for treatment of anxiety disorders.

13 22. Oxycodone ("Oxycontin") is an opioid classified as a Schedule II controlled
14 substance by Health and Safety Code section 11055, subdivision (c)(3), and a dangerous drug
15 pursuant to Business and Professions Code section 4022. It is prescribed for the management of
16 moderate to severe chronic pain.

17 23. Ondansetron ("Zofran") is a Schedule IV controlled substance by Health and Safety
18 Code section 11057, subdivision (d) and a dangerous drug pursuant to Business and Professions
19 Code section 4022. It is a prescribed medication for the treatment of nausea and vomiting.

20 24. Zolpidem ("Ambien") is a Schedule IV controlled substance by Health and Safety
21 Code section 11057, subdivision (d) and a dangerous drug pursuant to Business and Professions
22 Code section 4022. It is a prescribed medication for the treatment of insomnia.

23 FIRST CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct -- Diversion of Controlled Substances)

25 25. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
26 on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), and
27 pursuant to Health and Safety Code section 11173, subdivisions (a), (b) and (c), as from October
28 2006 to July 2007, she wrote prescriptions for controlled substances for her daughter (M. Jones)

1 and her husband (S. Jones), neither of whom were patients under Respondent's care. The
2 circumstances in support of this cause for discipline are as follows:

3 a. On or about October 3, 2006, Respondent prescribed 5 Fentanyl Patches at a dose of
4 75 micrograms in the name of her husband, with said controlled substance dispensed by
5 Walgreen's Pharmacy in Santa Rosa, on October 3, 2006.

6 b. On or about October 25, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 10
7 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
8 a prescription written by Respondent for said controlled substance.

9 c. On or about November 25, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 10
10 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
11 a prescription written by Respondent for said controlled substance.

12 d. On or about December 10, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 90
13 tablets of Dilaudid at a dose of 8 milligrams in the name of Respondent's husband, pursuant to a
14 prescription written by Respondent for said controlled substance.

15 e. On or about December 18, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 15
16 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
17 a prescription written by Respondent for said controlled substance.

18 f. On or about December 21, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 30
19 tablets of Ambien at a dose of 10 milligrams in the name of Respondent's husband, pursuant to a
20 prescription written by Respondent for said controlled substance.

21 g. On or about December 26, 2006, Walgreen's Pharmacy in Santa Rosa, dispensed 15
22 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
23 prescription written by Respondent for said controlled substance.

24 h. On or about January 2, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 15
25 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's daughter, pursuant to a
26 prescription written by Respondent for said controlled substance.

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1 i. On or about January 7, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
2 90 tablets of Dilaudid at a dose of 8 milligrams in the name of Respondent's daughter, pursuant to
3 a prescription written by Respondent for said controlled substance.

4 j. On or about January 7, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 30
5 tablets of Ambien at a dose of 12.5 milligrams in the name of Respondent's husband, pursuant to
6 a prescription written by Respondent for said controlled substance.

7 k. On or about January 7, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
8 10 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's daughter, pursuant
9 to a prescription written by Respondent for said controlled substance.

10 l. On or about January 16, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 15
11 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
12 a prescription written by Respondent for said controlled substance.

13 m. On or about January 24, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
14 15 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's daughter, pursuant
15 to a prescription written by Respondent for said controlled substance.

16 n. On or about January 26, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
17 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
18 prescription written by Respondent for said controlled substance.

19 o. On or about February 5, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
20 9 tablets of Zofran at a dose of 8 milligrams in the name of Respondent's daughter, pursuant to a
21 prescription written by Respondent for said controlled substance.

22 p. On or about February 5, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
23 20 Fentanyl Patches at a dose of 50 micrograms in the name of Respondent's daughter, pursuant
24 to a prescription written by Respondent for said controlled substance.

25 q. On or about February 8, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 15
26 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
27 a prescription written by Respondent for said controlled substance.

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1 r. On or about February 11, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 5
2 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
3 prescription written by Respondent for said controlled substance.

4 s. On or about February 14, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 15
5 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
6 prescription written by Respondent for said controlled substance.

7 t. On or about February 21, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
8 Fentanyl Patches at a dose of 50 micrograms in the name of Respondent's husband, pursuant to a
9 prescription written by Respondent for said controlled substance.

10 u. On or about February 22, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
11 100 tablets of Oxycontin at a dose of 20 milligrams in the name of Respondent's daughter,
12 pursuant to a prescription written by Respondent for said controlled substance.

13 v. On or about February 23, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
14 20 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's daughter, pursuant
15 to a prescription written by Respondent for said controlled substance.

16 w. On or about February 26, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
17 20 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's daughter, pursuant
18 to a prescription written by Respondent for said controlled substance.

19 x. On or about March 2, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
20 10 Fentanyl Patches at a dose of 50 micrograms in the name of Respondent's daughter, pursuant
21 to a prescription written by Respondent for said controlled substance.

22 y. On or about March 3, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
23 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
24 a prescription written by Respondent for said controlled substance.

25 z. On or about March 11, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
26 50 micrograms in the name of her daughter, with said controlled substance dispensed by
27 Walgreen's Pharmacy in Santa Rosa, on March 12, 2007.

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1 aa. On or about March 13, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
2 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
3 prescription written by Respondent for said controlled substance.

4 bb. On or about March 15, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 90
5 tablets of Valium at a dose of 10 milligrams in the name of Respondent's husband, pursuant to a
6 prescription written by Respondent for said controlled substance.

7 cc. On or about March 15, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
8 75 micrograms in the name of her daughter, with said controlled substance dispensed by
9 Walgreen's Pharmacy in Santa Rosa, on March 15, 2007.

10 dd. On or about March 16, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
11 100 micrograms in the name of her daughter, with said controlled substance dispensed by
12 Walgreen's Pharmacy in Santa Rosa, on March 18, 2007.

13 ee. On or about March 16, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 15
14 Fentanyl Patches at a dose of 50 micrograms in the name of Respondent's husband, pursuant to a
15 prescription written by Respondent for said controlled substance.

16 ff. On or about March 17, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
17 75 micrograms in the name of her daughter, with said controlled substance dispensed by
18 Walgreen's Pharmacy in Santa Rosa, on March 18, 2007.

19 gg. On or about March 19, 2007, Respondent prescribed 100 tablets of Valium 10
20 milligrams, in the name of her daughter.

21 hh. On or about March 20, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
22 90 tablets of Dilaudid 8 milligrams in the name of Respondent's daughter, pursuant to a
23 prescription written by Respondent for said controlled substance.

24 ii. On or about March 20, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed
25 20 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's daughter, pursuant
26 to a prescription written by Respondent for said controlled substance.

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1 ii. On or about March 23, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
2 50 micrograms, in the name of her daughter, with said controlled substance dispensed by
3 Walgreen's Pharmacy in Santa Rosa, on March 23, 2007.

4 kk. On or about March 26, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
5 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to
6 a prescription written by Respondent for said controlled substance.

7 ll. On or about March 26, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 120
8 tablets of Oxycontin at a dose of 40 milligrams in the name of Respondent's husband, pursuant to
9 a prescription written by Respondent for said controlled substance.

10 mm. On or about March 30, 2007, Respondent prescribed 10 Fentanyl Patches at a dose of
11 100 micrograms in the name of her daughter, with said controlled substance dispensed by
12 Walgreen's Pharmacy in Santa Rosa, on April 1, 2007.

13 nn. On or about March 30, 2007, Respondent prescribed 90 tablets of Valium at a dose of
14 10 milligrams in the name of her daughter, with said controlled substance dispensed by
15 Walgreen's Pharmacy in Santa Rosa, on March 30, 2007.

16 oo. On or about March 31, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
17 Fentanyl Patches at a dose of 75 micrograms in the name of Respondent's husband, pursuant to a
18 prescription written by Respondent for said controlled substance.

19 pp. On or about April 1, 2007, Respondent prescribed 10 Fentanyl Patches at a dose of
20 100 micrograms in the name of her daughter, with said controlled substance dispensed by
21 Walgreen's Pharmacy in Santa Rosa, on April 1, 2007.

22 qq. On or about April 8, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 20
23 Fentanyl Patches at a dose of 50 micrograms in the name of Respondent's husband, pursuant to a
24 prescription written by Respondent for said controlled substance.

25 rr. On or about April 9, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
26 50 micrograms, in the name of her husband, with said controlled substance dispensed by
27 Walgreen's Pharmacy in Santa Rosa, on April 12, 2007.

28 ///

1 ss. On or about April 13, 2007, Respondent prescribed 20 Fentanyl Patches at a dose of
2 75 micrograms in the name of her daughter, with said controlled substance dispensed by
3 Walgreen's Pharmacy on April 14, 2007.

4 tt. On or about April 16, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 10
5 Fentanyl Patches at a dose of 100 micrograms in the name of Respondent's daughter, pursuant
6 to a prescription written by Respondent for said controlled substance.

7 uu. On or about May 31, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 120
8 tablets of Dilaudid at a dose of 8 milligrams in the name of Respondent's daughter, pursuant to a
9 prescription written by Respondent for said controlled substance.

10 vv. On or about June 2, 2007, Long's Drug Store, in Santa Rosa, dispensed 120 tablets of
11 Dilaudid at a dose of 8 milligrams in the name of Respondent's husband, pursuant to a
12 prescription written by Respondent for said controlled substance.

13 ww. On or about June 24, 2007, Long's Drug Store, in Santa Rosa, dispensed 15 Fentanyl
14 Patches at a dose of 100 micrograms in the name of Respondent's husband, pursuant to a
15 prescription written by Respondent for said controlled substance.

16 xx. On or about July 1, 2007, Walgreen's Pharmacy in Santa Rosa, dispensed 160 tablets
17 of Dilaudid at a dose of 8 milligrams in the name of Respondent's daughter, pursuant to a
18 prescription written by Respondent for said controlled substance.

19 SECOND CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct - Falsification of Prescriptions)

21 26. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
22 on the grounds of unprofessional conduct as defined in Code section 2762, subdivisions (a) and
23 (c), and pursuant to Health and Safety Code section 11173, subdivisions (a), (b) and (c), as from
24 October 2006 up to July 2007, she falsified prescriptions for controlled substances for her
25 daughter (M. Jones) and her husband (S. Jones) as set forth above in paragraph 25, subdivisions
26 (a) through (xx). In addition, from March 2006 through November 2006, Respondent forged
27 prescriptions with the signature of a physician as set forth below:

28 ///

1 a. On or about March 1, 2006, Respondent forged the signature of physician Mary
2 Moya, M.D., with said prescription providing for the dispensing of the following medications to
3 Respondent's daughter: Fentanyl Patch at a dose of 50 micrograms and 60 tablets of Oxycontin
4 at a dose of 20 milligrams.

5 b. On or about April 6, 2006, Respondent forged the signature of physician Mary
6 Moya, M.D., with said prescription providing for the dispensing of 15 Fentanyl Patches at a dose
7 of 50 micrograms, to Respondent's daughter.

8 c. On or about May 5, 2006, Respondent forged the signature of physician Mary Moya,
9 M.D., with said prescription providing for the dispensing of 15 Fentanyl Patches at a dose of 50
10 micrograms, in the name of Respondent's daughter.

11 d. On or about June 6, 2006, Respondent forged the signature of physician Mary Moya,
12 M.D., with said prescription providing for the dispensing of the following medications in the
13 name of Respondent's daughter: 16 Fentanyl Patches at a dose of 50 micrograms and 60 tablets
14 of Dilaudid at a dose of 4 milligrams.

15 e. On or about June 27, 2006, Respondent forged the signature of physician Mary Moya,
16 M.D., with said prescription providing for the dispensing of 16 Fentanyl Patches at a dose of 50
17 micrograms, in the name of Respondent's daughter.

18 f. On or about November 3, 2006, Respondent forged the signature of physician Mary
19 Moya, M.D., with said prescription providing for the dispensing of 15 Fentanyl Patches at a dose
20 of 100, in the name of Respondent's husband.

21 THIRD CAUSE FOR DISCIPLINE

22 (Criminal Convictions)

23 27. Respondent is subject to disciplinary action under Code sections 2761, subdivision
24 (f), 2762, subdivision (c) and/or 490 in that on November 30, 2010, in a criminal proceeding
25 entitled *The People of the State of California v. Felipa Jones*, Sonoma County Superior Court
26 Case No. SCR-585197, Respondent was convicted by her plea of no contest to the following
27 criminal charges:
28

1 a. Penal Code section 496, subdivision (a) [receipt of stolen property], as a felony. The
2 circumstances in support of Respondent's felony plea of no contest are that on or about April 25,
3 2010, Respondent illegally obtained prescription pads from Petaluma Hill Park Medical Center,
4 Phoenix Well Center and from the medical office of Dr. Richard Andersen.

5 b. Health and Safety Code section 11368 [forging prescription for obtaining a narcotic],
6 a felony. The circumstances in support of Respondent's felony plea of no contest are that on or
7 about October 26, 2009, she unlawfully forged, altered and/or issued a prescription bearing a
8 forged and fictitious signature for the narcotic Lorazepam.

9 c. Health and Safety Code section 11368 [forging prescription for obtaining a narcotic],
10 a felony. The circumstances in support of Respondent's felony plea of no contest are that on or
11 about November 18, 2009, she unlawfully forged, altered and/or issued a prescription bearing a
12 forged and fictitious signature for the narcotic drug Fentanyl.

13 d. As a result of pleading no contest to the above criminal charges, Respondent was
14 sentenced to 90 days in the county jail, placed on three years of formal probation and ordered to
15 pay fines in the amount of \$1109.00. Respondent was also ordered to register as a controlled
16 substance offender, pursuant to Health and Safety Code section 11390.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Termination From The Board's Diversion Program As A Public Safety Risk)

19 28. Respondent is subject to disciplinary action under section 2762, subdivision (a)(1) of
20 the Code for unprofessional conduct as a result being terminated from the Board's Diversion
21 Program on July 28, 2011, as a public safety risk. The circumstances in support of this cause for
22 discipline are as follows:

23 a. On or about May 22, 2007, Respondent entered into the Board's MAXIMUS
24 Diversion Program, as a result of her having written un-authorized Fentanyl prescriptions for her
25 daughter (M. Jones), and escalating problems with alcohol abuse.

26 b. Respondent agreed to abide by all terms and conditions of the Diversion Program.
27 However, beginning in February 2009, she failed to call in for testing and missed appointments
28 for chemical testing. Respondent further failed to attend required meetings and did not report to

1 either the Board or MAXIMUS the criminal action on November 30, 2010, in which she entered
2 no contest pleas to three separate felony charges.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 268333, issued to Felipa
7 Jones, also known as Felipa Hurtado;

8 2. Revoking or suspending Nurse Practitioner Certificate Number 1836, issued to Felipa
9 Jones, also known as Felipa Hurtado;

10 3. Revoking or suspending Nurse Practitioner Furnisher Number 1836, issued to Felipa
11 Jones, also known as Felipa Hurtado;

12 4. Revoking or suspending Nurse Midwife Certificate Number 1321, issued to Felipa
13 Jones, also known as Felipa Hurtado;

14 5. Revoking or suspending Public Health Nurse Certificate Number 30448, issued to
15 Felipa Jones, also known as Felipa Hurtado;

16 6. Ordering Felipa Jones, also known as Felipa Hurtado, to pay the Board of Registered
17 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

19 7. Taking such other and further action as deemed necessary and proper.

20 DATED: November 01, 2011

21 *Louise R. Bailey*
22 LOUISE R. BAILEY, M.L.D., R.N.
23 Executive Officer
24 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT B

STATE OF CALIFORNIA)

COUNTY OF SACRAMENTO)

SS:



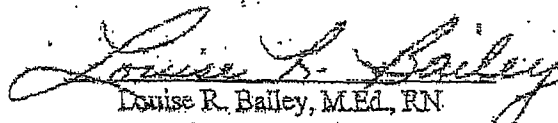
DECLARATION

I am a United States citizen and I am over the age of eighteen. I HEREBY CERTIFY that I, Louise R. Bailey, am the Executive Officer for the California State Board of Registered Nursing ("Board"), Department of Consumer Affairs, 1747 N. Market Blvd., Suite 150, Sacramento, CA, and am the official delegated Custodian of the Records for the Board of Registered Nursing. I am responsible for their maintenance pursuant to Chapter 5, Division 2 of the California Business & Professions Code and certify the contents of said records pursuant to Sections 162 and 163 of the Business and Professions Code.

I hereby state that:

Attached is a true certified copy of the Interagency Agreement between the Board of Registered Nursing and the Department of Consumer Affairs.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and belief. Given under my hand and the seal of the Board of Registered Nursing, Department of Consumer Affairs, at Sacramento, California, this 28th day of December 2011.


Louise R. Bailey, M.Ed., RN
Executive Officer

INTERAGENCY AGREEMENT

Between the Department of Consumer Affairs
&
California Board of Registered Nursing

WHEREAS, Business and Professions Code Sections 2701 and 2708, establishing the Board of Registered Nursing ("Board") and providing for an Executive Officer to perform the duties delegated by the Board will become ineffective and repealed effective January 1, 2012; and

WHEREAS, the Nursing Practice Act has not been repealed and will remain in full force and effect; and

WHEREAS, the Board is within the Department of Consumer Affairs ("Department"); and

WHEREAS, it is the mission of the Board and Department to provide as much consumer protection as possible; and

WHEREAS, the Board has, by vote at its meeting on November 16, 2011, delegated to the Department as of December 31, 2011, those duties, powers and responsibilities that the Board has previously delegated to the Board's Executive Officer as of December 31, 2011, and, further, approved entering into this agreement; and

WHEREAS, the Board and the Department wish to provide for the continued administration of those provisions of the Nursing Practice Act that have been delegated to the Board's Executive Officer in an uninterrupted and stable manner until legislation re-establishing the Board takes effect;

NOW THEREFORE, the parties to this Interagency Agreement (hereinafter "Agreement") agree as follows:

1. The Department accepts the delegation as approved by the Board and confirmed in this Agreement, and agrees to perform all such responsibilities in the best interests of protecting the public and consistently with the Nursing Practice Act.

2. The Board hereby authorizes and empowers the Department to the extent authorized by law, and subject to the review and approval of the State and Consumer Services Agency, to exercise those powers, duties and responsibilities that have been delegated to the Board's Executive Officer as of December 31, 2011, to administer the Nursing Practice Act.

3. The Board hereby authorizes the Department to utilize any previously appropriated funds of the Board to carry out the responsibilities in administering the Nursing Practice Act in conjunction with this Agreement; and those funds shall be used for the

purposes for which the Board of Registered Nursing Fund, Professions and Vocations Fund was established.

4. The Department shall adhere to all current Board policies while this Agreement is in effect; all regulations and policies that have been adopted by the Board as of December 31, 2011, shall remain in effect until the time that legislation re-establishing the Board takes effect.

5. This Agreement shall take effect on December 31, 2011, and remain in effect until the time that legislation re-establishing the Board takes effect.

6. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

IT IS SO AGREED:

Department of Consumer Affairs ("Department")

By Brian Stiger
Brian Stiger, Acting Director

12/14/11
Date

California Board of Registered Nursing

By Jeanine Greco
Jeanine Greco, President
Doughty Greco LLC

12/14/11
Date

Approved:

By Anja M. Caballero
Anja M. Caballero, Secretary
State and Consumer Services Agency

12/14/11
Date